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July 1, 1981

Honorable Thorne Auchter
 Assistant Secretary for
 Occupational Safety and Health
 Department of Labor
 Washington, D. C.

Dear Mr. Secretary:

It has come to my attention that on June 29, 1981 your agency proposed to remove Dr. Peter Infante from his position of Director, Office of Carcinogen Identification and Classification and from the Federal Service. I strongly believe that the evidence does not justify the removal of this civil servant from office, and I urge you to withdraw this action immediately.

My understanding is that Dr. Infante's removal is predicated on an alleged misrepresentation of OSHA's position regarding formaldehyde as a human carcinogen in a letter to the Director of the International Agency for Research on Cancer, and insubordination in sending that letter. I believe that the facts indicate that Dr. Infante was merely pointing out the presence of existing data in his letter of May 12, 1981 to Dr. John Higginson and urging that IARC follow its own specifications. This letter was prepared in response to a note in an IARC monograph that states:

"Anyone who is aware of published data that may alter the evaluation of the carcinogenic risk of a chemical for humans is encouraged to make this information available to the Division of Chemical and Biological Carcinogenesis, International Agency for Research on Cancer, Lyon France in order that the chemical may be considered for reevaluation by a future working group."

In his letter to Dr. Higginson, Dr. Infante does indicate that formaldehyde is a carcinogen according to IARC standards. This is merely a restatement of previous conclusions made in November 1980 by a distinguished group of Federal scientists under the Direction of Dr. Richard A. Griesemer, then of the National Cancer Institute, at the request of the National Toxicology Program. The conclusion of that panel was "that it is prudent to regard formaldehyde as posing a carcinogenic risk to humans." This report was followed in February 1981 by a report to the American Cancer Society, headed by Dr. Irving Selikoff that came to similar conclusions. While competing evidence can no doubt be generated, I fail to see how a competent civil servant can be terminated for expressing his scientific opinion

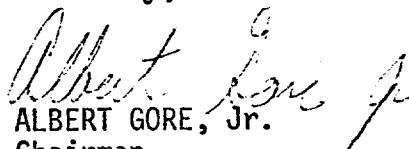
in the presence of considerable evidence. At no point in his May 12 letter does Dr. Infante indicate what OSHA's regulatory policy might be in this matter.

As for the charge of insubordination, I find it incredible that you would propose termination when there is not a shred of evidence in the file to indicate that Dr. Infante was informed in writing that he should not express his scientific opinion when it was solicited. In fact, the evidence is to the contrary. As you know, Dr. Infante testified at a March 20, 1981 hearing before the Consumer Product Safety Commission on a Proposed Regulation for Urea Formaldehyde Foam Insulation. In his testimony, he made clear that his views "do not necessarily represent those of our employment agency." That testimony was cleared before presentation with his supervisor, Dr. Bailus Walker, Director of Health Standards for OSHA.

Not only does the available evidence not support your charges, but I believe that a strong case can be made that your agency's action is politically motivated. In your own statement of charges, you attach letters from the Formaldehyde Institute critical of Dr. Infante. I am highly suspicious of any personnel action that would have as its base a letter from an industrial group that obviously has a stake in finding that formaldehyde is not a carcinogen.

Dr. Infante is both a scientist and a civil servant. I believe that your Agency's action of June 29 serves to undermine the objective responsibilities that scientists have to review relevant information and the foundations upon which the civil service is based. If OSHA succeeds in firing Dr. Infante, it will be a clear message to all civil servants who are charged with protecting the public health that those who do their jobs will lose their job. The action is substantively and procedurally arbitrary and capricious, and I urge you to rescind it immediately. As you know, the Subcommittee has scheduled hearings on the operation of the National Toxicology Program for July 15 and 16 to which you are invited. I look forward to discussing this situation and your response to this letter at that time.

Sincerely,



ALBERT GORE, Jr.
Chairman
Subcommittee on
Investigations and Oversight

AG/Ggb